

REMARKS

This Preliminary Amendment is being made upon entry of International Application No. PCT/GP00/02569 into the U.S. National Phase of prosecution. Claims 1, 2, 3, 5-12 and 15 have been amended to eliminate multiple dependencies and to comply with proper U.S. claim format. Furthermore, attached hereto is a marked-up version of the changes made to the application by the current preliminary amendment. The attached page is captioned, "Version with markings to show changes made."

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

The newly added page to the specification is solely to incorporate the Abstract page. No changes have been made, therefore, a marked up version is not required.

In the claims:

1. A DNA construct comprising a transcriptional regulatory sequence operatively linked to a heterologous gene [of interest] wherein the transcriptional regulatory sequence comprises a transcriptional regulatory polynucleotide [which is] selected from the group consisting of:

[1.] a) [the] an eIF4A gene promoter having the sequence as set forth in sequence ID NO. 38[,]; [or]

[2.] b) a fragment of sequence ID No.38 wherein the fragment retains the biological characteristics of [the] an eIF4A promoter[, or] ;and

[3.] c) a polynucleotide that [is hybridisable] hybridizes under stringent conditions to [the] an eIF4a gene promoter of (a) or its complement [complementary polynucleotide thereto under stringent hybridisation conditions] and that retains the transcriptional regulatory function of [the] an eIF4A promoter.

2. A construct according to claim 1 wherein the transcriptional regulatory sequence further comprises a member selected from the group consisting of

[1.] a) at least one eIF4A intron,

[2.] b) a fragment of [the] an eIF4A intron, said fragment [is] at least 15 nucleotides long and retaining[s] the transcriptional regulatory function of the intron; [or] and

[3.] c) A polynucleotide that [is hybridisable] hybridizes under stringent conditions to the intron of (a) or its complement[ary

nucleotide having] and retains the transcriptional regulatory function of the intron.

3. A construct according to claim 2 wherein the eIF4A intron is a member selected from the group consisting of intron 1, 2,3,5,6,7 [or] and 9.

5. A construct according to [any one of] claim[s] 2 [to 4] wherein the transcriptional regulatory sequence further comprises a member selected from the group consisting of :

[1.] a) at least a second [one further] eIF4A1 gene intron; [or] and

[2.] b) a fragment of [said] a second eIF4A1 intron which is at least 15 nucleotides long and retains the transcriptional regulatory function of the intron.

6. A construct according to [any preceding] claim 1 wherein the eIF4A1 gene promoter fragment is a member selected from the group consisting of[;]- EIF-256, EIF-371, IEF-271, EIF-193, EIF-120, EIF-98, EIF-69, EIF-40 [526EIF, -371EIF, -271EIF, -193EIF, -120EIF, -98EIF, -69EIF and -40EIF].

7. A construct according to [any one of] claim[s] 2 [to 6] wherein the regulatory sequence comprises one or more of the sequences as set forth in SEQ.I.D. NO.: 31, 32, 33, 34, 35, 36, and [to] 37.

8. A construct according to [any preceding] claim 1 wherein the construct is a phage, plasmid, virus, minichromosome or transposon.

9. A [H]host cell comprising a construct as claimed in [any one of the preceding] claim[s] 1.

10. A process for the production of a protein which comprises the step of culturing [a] the host cell [according to] of claim 9 and optionally recovering the protein.

11. A pharmaceutical composition comprising a construct according to [any one of] claim[s] 1[to 8].

12. A method of treating a disease or disorder comprising the step of administering an [therapeutically] effective amount of the construct [as claimed in any one] of claim[s] 1 [to 8 or the composition as claimed in claim 11].

15. The method of claim 12 [Use according to claim 14] wherein the construct is administered by particle mediated DNA delivery.

20. (Newly added) The method of Claim 12 wherein a Th1-type immune response is induced.